

Agenda

Item #6



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: May 18, 2010

Re: Referral of \$250 Penalty against the Scarborough Republican Town Committee

On January 28, 2010, the Maine Ethics Commission considered the request by the Scarborough Republican Town Committee for a waiver of the \$500 penalty for the late filing of the January 15, 2009 campaign finance report. The Commission granted a partial waiver and assessed a penalty of \$250.

On January 28, 2010, the Commission mailed a letter to committee treasurer Artemas Pickard requesting payment. He received the letter the next day, but the committee did not pay the penalty. The staff mailed a "Final Notice" on March 19, 2010, which Mr. Pickard received the following day, but no payment was made. The staff mailed a letter on May 11 notifying Mr. Pickard that the Commission staff would recommend referral of the unpaid penalty to the Maine Attorney General for collection.

Mr. Pickard has no trouble receiving the Commission's mail, but he does not respond. The staff recommends referring the unpaid \$250 penalty to the Maine Attorney General for collection pursuant to 21-A M.R.S.A. § 1004-B.

21-A MRSA § 1004-B. ENFORCEMENT OF PENALTIES ASSESSED BY THE COMMISSION

The commission staff shall collect the full amount of any penalty and the return of Maine Clean Election Act funds required by the commission to be returned for a violation of the statutes or rules administered by the commission and has all necessary powers to carry out these duties. Failure to pay the full amount of any penalty assessed by the commission or return of Maine Clean Election Act funds is a civil violation by the candidate, treasurer, party committee, political action committee or other person. Thirty days after issuing the notice of penalty or order for the return of funds, the commission shall report to the Attorney General the name of any person who has failed to pay the full amount of any penalty or to return Maine Clean Election Act funds unless the commission has provided an extended deadline for payment. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty or order for the return of Maine Clean Election Act funds. This action must be brought in the Superior Court for Kennebec County or the District Court, 7th District, Division of Southern Kennebec. [2009, c. 302, §3 (NEW).]

SECTION HISTORY

2009, c. 302, §3 (NEW).

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May 10, 2010

Mr. Artemas M. Pickard, Treasurer
Scarborough Republican Town Committee
15 Abigail Way
Scarborough, Maine 04074-8246

Dear Mr. Pickard:

On January 28, 2010, the Maine Ethics Commission considered the request by the Scarborough Republican Town Committee for a waiver of the \$500 penalty for the late filing of the January 15, 2009 campaign finance report. The Commission granted a partial waiver and assessed a penalty of \$250.

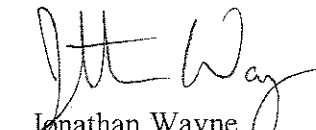
That day, the Commission staff mailed you, as the treasurer for the committee, a letter requesting payment of \$250. You signed a card indicating your receipt of the letter, but the committee has not paid the penalty.

On March 19, 2010, PAC/Party/Lobbyist Registrar Cindy Sullivan sent a follow-up letter to you requesting payment. Again, you signed for the letter, but the Commission received no response.

If the Commission does not receive payment within the next two weeks, the staff will recommend to the Commissioners at their May 27, 2010 meeting that the unpaid \$250 penalty be referred to the Attorney General's office for collection.

Please telephone Cindy Sullivan at 287-4179 if you have any questions.

Sincerely,


Jonathan Wayne
Executive Director



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AND ELECTION PRACTICES
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AUGUSTA, MAINE
04333-0135

FINAL NOTICE

Sent by Regular and Certified Mail

March 19, 2010

Mr. Artemas M. Pickard
Treasurer
Scarborough Republican Town Committee
15 Abigail Way
Scarborough, Maine 04074-8246

Dear Mr. Pickard:

On January 28, 2010, the Commission on Governmental Ethics and Election Practices considered your request for a waiver of the \$500 penalty for the late filing of the Scarborough Republican Town Committee's January 15, 2009 campaign finance report.

After considering your request, the Commission decided to grant a partial waiver and to assess a \$250 penalty. You were notified of this determination, however the Commission has not received payment nor has a request been made for a payment arrangement.

If the Commission does not receive payment or a request for payment arrangement the matter will be put on the April 29, 2010 agenda to be referred to the Attorney General's office for collection.

Please telephone me at 287-4179 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Sullivan".

Cindy Sullivan
PAC, Party & Lobbyist Registrar

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Artemus Pickard
15 Abigail Way
Scarborough ME

64074-8246

2. Article Number

(Transfer from service label)

7007 0710 0000 0935 9194

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

☐ Agent☒ Addressee

C. Date of Delivery

3-20

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Sent by Regular and Certified Mail

January 28, 2010

Mr. Artemas M. Pickard
Treasurer
Scarborough Republican Town Committee
15 Abigail Way
Scarborough, Maine 04074-8246

Dear Mr. Pickard:

At its meeting today, the Commission on Governmental Ethics and Election Practices considered your request for a waiver of the \$500 penalty for the late filing of the Scarborough Republican Town Committee's January 15, 2009 campaign finance report.

After considering your request, the Commission decided to grant a partial waiver and to assess a \$250 penalty. Please submit a check in that amount payable to "Treasurer, State of Maine" within 30 days of your receipt of this determination.

Please telephone me at 287-4179 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cindy Sullivan".

Cindy Sullivan
PAC, Party & Lobbyist Registrar

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Artinas Pickard
Scarborough Republican Town Council
15 Abigail Way
Scarborough ME 04074-8246

2. Article Number

(Transfer from service label)

7007 0710 0000 0935 9118

PS Form 3811, February 2004

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

1/29/10

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Registered

☐ Insured Mail

☐ Express Mail

☐ Return Receipt for Merchandise

☐ O.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-1540

Artemas M. Pickard

15 Abigail Way, Scarborough, ME 04074-8246

Ph: 396-5683 Fax: 396-5684

E-mail: apick@maine.rr.com

RECEIVED
JAN - 6 2010
MAINE ETHICS COMMISSION

January 5, 2010

Commission on Governmental Ethics & Election Practices
135 State House Station
Augusta, ME 04333-0135

Gentlemen,

To the best of my knowledge, all reports submitted by me to the Maine Commission on Government Ethics and Election Practices since 2002 have been done accurately and, save one, submitted on time. During 2008 and since 2002, I have served as the Treasurer for the Scarborough GOP Committee and also, in 2008, as a candidate for election to the Maine Legislature. In 2008, I was fortunate to have excellent help from an Ethics Commission employee whose name escapes me, reminding me both when and how to submit the required reports, both for my candidacy and the town GOP committee. In 2009, as we all knew in advance, the town committee would neither raise nor spend enough funds to trigger a required report. In addition, I wasn't contacted for the final report of 2008 by my friendly Ethics Commission adviser, so I mistakenly believed that my 2008 reports were done.

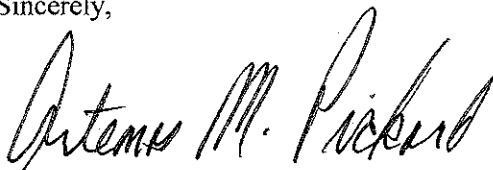
In April, I was contacted by Mr. Phil Roy, the Treasurer of the Maine State Republican Party who informed me that I was on your "bad guy" list for failing to submit the year-end Scarborough report to the Ethics Commission. He was right, of course. After saying "oops", I immediately produced the missing report and submitted it within a day or two. At that time I understood there would a penalty for late submission but had no concept of the size.

When informed that the size was \$500.00, I was shocked. The Scarborough GOP Committee didn't have that much money. We had spent nearly everything we had on newspaper advertising to try to elect our local Republican Candidates. I, personally, did not and do not have \$500.00 that is not already committed to survival in these difficult times. I am retired on a fixed income since late 2001 and have faced, as many have, significantly increased cost of living without adjustment of my pension and now no COLA from Social Security. To pay the fine I would have to borrow the funds at a high interest rate, if I could even find a lender.

My mistake, in no way reflected any attempt to hide information or to mislead the Commission or the public regarding the amount of funds spent in the 2008 general election on behalf of the GOP candidates who were on the Scarborough ballot. Only one bill of \$616.18, for last minute advertising, remained unreported.

In view of the current financial status of both the Scarborough GOP Town Committee and me, I sincerely hope that the Commission can waive the penalty. And, I can assure you that as long as I remain Treasurer, we'll never be late or miss a report in the future.

Sincerely,



Artemas M. Pickard
Treasurer, Scarborough Republican Town Committee



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AUGUSTA, MAINE
04333-0135

November 10, 2009

Artemas Pickard
15 Abigail Way
Scarborough, Maine 04074

Dear M. Pickard,

This is a follow up to Mr. Wayne's phone call today regarding the preliminary penalty of \$500 against the Scarborough Republican Town Committee for the late filing of the committee's campaign finance report due January 15, 2009.

This is to request that the committee submit a written statement in which you provide an explanation of the mitigating circumstances you wish the Commission to take into consideration. Please submit the statement requesting a waiver by December 11, 2009 so that it may be put on the Commission's January agenda.

Please call me at 287-4179 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cindy Sullivan".

Cindy Sullivan,
PAC registrar

Enc. January 09 and 11-day pre-election finance reports